AN IMPORTANT DECISION.

LIABILITY OF A MASTER FOR THE ROLIGENCE OF AN EMPLOYEE.

Judge Walter Lloyd Smith Lays Down the Rule that the Negligent Act of a Fellow Servant Is Not the Act of the Master. ITHACA Nov. 4 - The following decision has been handed down by Judge Walter Lloyd Smith, which the leading lawyers in this county believe to be of great importance. The case is to be appealed to the General Term, but Judge Smith's decisions are so invariably upheld that it is considered as good as a final decision. The case in question was a suit for damage; brought by C. Lavern Ludiow against the Groton Bridge Company, Ludlow having been injured while in the employ of the com-Hemmingway, who it was claimed was negligent and caused the plaintiff to sustain a broken In the argument on the nonsuit the lawyers cited several other cases as authorities, on which Judge Smith dwelt to some ex-

tent. The decision follows: 'Gentlemen. I have taken some pains to examine this question. There is a case where a foreman had charge of removing a hatchway. He had the sole right to employ and discharge men. The hatchway could be safely removed only by two or three persons acting to remove the hatchway, and although he was

to remove the hatchway, and although he was foreman in charge of the work, his act was held to be the act of a fellow servant.

"There is another case where there had been some blasting of rocks, and a foreman was in charge of the blasting, and one of the fuses edid not go off, and the foreman directed his men to proceed, nevertheless, to work near where this fuse was. Afterward the fuse dig go off and injured the parties. Although they were working directly under the charge of the foreman and he had the sole charge of the work, and although the master's duty to furnish a safe place to work, it was held that where the place was rendered unaafe by the negligent act of a fellow servant, that was not the act of the master, for which he could be held responsible; and it was held that the foreman was a fellow servant.

the master, for which he could be held responsible; and it was held that the foreman was a fellow servant.

"There is another case where a foreman who had charge of men and of placing them and directing them, had put a man under an embankment to work, which embankment was unsafe, and which the foreman had reason to believe was unsafe, because it had been made unsafe by the acts of the foreman himself; and it was held that notwithstanding the act of the foreman and his having charge of the location of the men, and its being the duty of the master to furnish a safe place to work, his act was not the act of the master, but was the act of a fellow servant.

"The later cases have all established the rule that it matters not what may be the position of the servant, whether high or low, whether a foreman or a mere day laborer, his act is not to be judged by the position as representing the master or representing a co-servant; whether he be the master or a co-servant, whether he be the master or a co-servant, whether he be the diter ego of the master or a co-servant, to be determined by the acts tone.

"So far as furnishing safe apparatus is con-

a co-servant, is to be determined by the cone.

"So far as furnishing safe apparatus is converned, the act of the humblest mechanic who burnishes the apparatus is the act of the master. In the Cortland case the engine had become unsafe, and it required to be repaired, and a mechanic was employed to repair it, and his negligence I held there to be the negligence of the master, because it was in the performance of a duty which the master owed, and that duty was to furnish safe machinery and a safe place to work.

that duty was to furnish safe master owed, and a safe place to work.

"It has become settled, however, now, that if a master has furnished competent servants and safe machinery, the use of that machinery, however negligent, and by whomsoever used, is not attributable to the master. I think the saw case practically extablishes that. But whether it does or not, there are cases, and many cases, which hold that very conclusively. In this case the master had furnished two cars, two different kinds of cars or trucks, the high truck and the low truck. It does not appear why one was used in preference to the other. He had also furnished the proper stakes or side bars to those trucks, but they were not used. It is impossible that a master himself can control the detail work of any corporation or any private business of any size. This injury arose from negligence which was connected with the detail work, and I am frank to say that while this moraling I was in some doubt, from the examination I have made my doubt has been removed, and I think there is no possible question, and that this case cannot be sustained, even if Mr. Hemmingway was negligent, which we will assume for the argument, for these cases hold that his negligence is not the negligence of the master, but is purely the negligence of a coservant.

"This is one of those unfortunate accidents

"This is one of those unfortunate accidents which no one can be made to pay for, at least, no employer. Whatever liability there may be on the part of Mr. Hemmingway to this man I do not discuss, but so far as the liability of this defendant to this plaintiff, I can find no such liability in the facts here proven. I assume that there is no proof in this case whatever to go to the jury upon the question of the competency of Mr. Hemmingway. I cannot see any proof that will make that an issuable fact, and the motion for nonsuit must, therefore, be granted." his is one of those unfortunate accidents

CONNECTICUT'S DIVORCE MILL. Between Twelve and Twenty-four Petitions a Week in Fairfield County.

PINCEPOPT Nov 4 - Fairfield county to ting as bad a reputation for many and easy divorces as South Dakota. Judge Elmer has been on the bench of the Superior Court in this city for the last three weeks, and every Friday, which is divorce day, he has had from twelve to twenty-four petitions for divorce to pass or They all were uncontested, and the majority of them were brought on the statutory grounds of desertion for three years, intemperance, or intolerable cruelty.

Judge Elmer took occasion at the session on last Friday to say a word about the epidemic of divorces which prevails in Fairfield county. At that time there were a dozen or more applicants with their witnesses waiting to tell their stories. Judge Elmer announced that he would not allow the time of the court to be monopolized by attorneys with divorce petitions to the exclusion of other business, and shut off further divorce business for the day. Nearly all the Judges of the Superior Courts of this State, which have jurissiction over petitions for divorce, lave the reputation of being liberal in their decisions on divorce proceedings. A case is brought and service is made on the defendant. If there is no appearance for the defendant the case goes on the docket as an uncontested case. There it must remain three months before it can be claimed for trial. Then the hearing is had, and, with satisfactory proof that the defendant has been apprised of the suit and proof sufficient to make out a case under the questioning of the attorney, the Judge in nine cases out of every ten tells the petitiopar to "take the decree." divorces which prevails in Fairfield county. At

MRS. HAMMERSLEY'S FURNITURE. Said to Have Sold \$600 Worth She Hadn't Paid for Ber Ball Reduced,

Mrs. Lilia P. Hammersley, who was arrested last week for disposing of furniture sold to her on the installment plan by Jordon, Moriarty & Co., was arraigned in Yorkville Court yesterday and her ball reduced to \$500. At a former hearing she was hald in \$1,000 bail, which she

During the months of March and May she is alleged to have purchased furniture, rugs, bric-A-brack, &c., to the value of \$3,360. In July she asked the firm to take back the furniture, which was in her flat at 213 WestThirty-fourth street. About \$600 worth, it is said, was missing, so the firm caused her arrest.

Mrs. Hammersley could not be found at the time, but was finally located through a Mrs. C. G. Baymere of 209 West Fifty-second street, a former intimate friend. Mrs. Baymere, it is said, went to Police Headquarters and asked to have Mrs. Hammersley arrested on a charge of stealing a quantity of dress goods from her trunk. The police refused to make the arrest, as there was no evidence to support the charge, but they were thus enabled to locate Mrs. Hammersly and arrest her on the other charge. which was in her flat at 213 West-Thirty-fourth

MII. HINDS'S AFFECTIONS.

Birs, I inda Compromises for \$10,000 to Her Suit Against Miss Williams. WATERBURY, Nov. 4.- The suit for \$50,000 damages, brought by Mrs. Belle Hinds of this city against Miss Elizabeth Williams of New Bedford, has been compremised for \$20,000. Alies Williams is a spinster of wealth, who is alleged to have allenated the affections of Mrs. Hinds's husband. The case has been in the courts for two years.

Aronnous May Regula Possession of the Casino.

The General Term of the Court of Common Pleas handed down a decision yesterday revers-ing a decision made in the Eightla District Court in favor of Robert F. Bixby, individually and as trustee and landlord, dispossessing the Casino Company from the Casino Theatre at the corner of Broadway and Thirty-ninth street, after an alleged default in the payment of taxes. The Casino Company consisted of Rudolph Aronson and his brother.

Lawyer Michael Jacob said yesterday that the effect of the decision would be to but the Aronson again in possession of the Casino.

A MAGNET SAVED HIS SIGHT. With It a Beeply Embedded Piece of Stee

ens Drawn from a Man's Eye, A few days ago at the New York Eye and Ear Infirmary, Thirteenth street and Second avenue, a flat piece of steel measuring % by ¼ inch. that was embedded in a patient's eye, was removed, by means of a powerful magnet. No knife or other surgical instrument was used. It was said at the hospital yesterday that the operation had been successful and that the patient, a skilled tool worker, would probably be able to return to his duties within three

weeks. About a week ago Joseph Brown, 35 years old of Plainfield, N. J., called at a Plainfield oculist's office to be treated for severe inflamms tion of the left eye. An examination showed that some foreign substance was embedded in the eyeball, that the cornea was badly inflamed, the Iris torn, and that the pupil had become opaque. After questioning Brown, the physician came to the conclusion that a piece of steel was the cause of the trouble. Three days before, while at work in a factory in Plainfield, Brown had felt a sudden pain shoot through his left eye. He was engaged in boring through a thin steel plate, and it is supposed that one of the chips pierced the eyeball. The piece of steel was so deeply embedded that to use the knife in removing it was to destroy the

use the knife in removing it was to destroy the eye. Brown was therefore brought to the Eye and Ear Infirmary in this city, where it was decided to try the magnet.

The use of a magnet in removing small particles of iron and steel from the eye is not rare, but the process followed heretofore had been to place the surface of the magnet in contact with the offending substance, when the latter could be easily withdrawn. In Brown's case, however, the exact sent of the trouble could not be located, and the physicians decided to try a new method. The patient was placed in a chair in front of a powerful electro-magnet two feet in length. The magnet, which was pointed at the ends nearest the patient, was connected by meags of wires with a dyname. While one of

length. The magnet, which was pointed at the ends nearest the patient, was connected by means of wires with a dyname. While one of the doctors held Brown's head firmly the operator gently pushed the patient's chair toward the pointed ends of the magnet until they rested on a level with the injured eye.

When within a few inches of the end of the magnet Brown uttered a cry and jumped from the chair. The powerful attractive force of the magnet had drawn the piece of steel outward, cutting the eye as though with a krife. On repetition of the experiment the end of the piece of steel appeared on the surface of the eyeball. The usual magnet treatment was then resorted to and the steel was drawn out. The eye was drawed and Brown was assigned to one of the wards in the hospital. It was said yesterday that although the eye had been permanently injured the operation had probably saved Brown's sight.

VON LEER'S READING INVESTMENT. Broker" Goldsmith Char ed with Swind-

ling Him Out of 8600,

Henry O. Goldsmith, who says he is a commission broker at 50 Broad street, was charged before Magistrate Simms, in the Tombs Police Court, yesterday, charged with fraudulently Isaac W. Von Leer of 147 Pierpont street, Brooklyn, on Oct. 29. Von Leer alleges that on that day he gave the money to Goldsmith with the understanding that his partner, H. H. Hart, who was represented as a member of the New York Stock Exchange, should invest the money at his discretion.

Stock Exchange, should invest the money at his discretion.

Von Leer endeavored to obtain a statement of his account on the following morning, but could not until that affernoon. Then he was informed that "Reading" had been bought on his account at 10½, and that it had dropped to 13½, thereby wiping out his account, and making him indebted to Goldsmith to the amount of \$100 for carrying the stock for him. He investigated, found that the stock had not dropped as low as 13¾, and then reported the matter to the police of the Old slip station.

Goldsmith, who is also known as Max J. Herts, when arrested said he was only the manager for Hart. The real name of Hart, who has not yet been arrested, is Barron, and his picture, the police say, is 3,201 in the Elmira Reformatory gallery.

Magistrate Simms, in holding Goldsmith in \$1,500 bail for trial, said he was aware that the prisoner was now under indictment for a similar offence.

WIFE MURDER AND INFANTICIDE.

Two Indictments in Passale County-One Against a Woman.

PATERSON, Nov. 4.-Two indictments for murwere brought in by the Passaic county Grand Jury this afternoon, one against John Ackerman of Smith Hills, and the other against Mrs. Mary Van Wyck of Paterson. Ackerman is charged with wife murder. He and his wife separated in the early part of 1894, he going to Newburgh and she remaining at Smith Hills. Last July he returned to his home. Ackerman met a man named Utter and his wife on the morning of July 11 walking along the Greenwood Lake Railroad track, and after a few hasty words a rough and tumble fight took place. It is allead that after a short struggle Ackerman drew a knife and cut his wife's throat, killing her. Ackerman gave himself up without resistance when officers came after him and admitted his guilt, saying his only regret was that he had not killed Utter. To-day he pleaded not guilty.

Mrs. Van Wyck, who also pleaded not guilty, is charged with drowning her infant child, Herbert, in the Passaic River on Aug. 14 last. Mrs. Van Wyck was utterly destitute at the time she is alleged to have committed the crime, and it is supposed that she drowned her child to put him out of misery, as she had no means of support. Last July he returned to his home. Ackerman

USE OF THE MAILS DENIED THEM Local Firms Accused of Maintaining a Lottery Swindle.

Chief Post Office Inspictor John E. Ashe has been notified by the authorities at Washington that the department had issued a fraud order. under the new Lottery law, against certain firms in this city. Mr. Ashe said vesterday:

"Orders have been received forbidding the use of the mails to Traube & Preuzlan, Heary
Traube, Kahn & Co., and the European Securities Company of New York."
Henry Traube and Martin Wolf were in partnership at 25 and 27 Third avenue, and they
also had an office on Broadway. They got up a
scheme to sell what are commonly known as
Servian Government securities, Hungarian Goverament securities, and Italian Red Cross securities. Kahn & Co. operated at 17 and 19
William street.
The firms are alleged to have maintained a
fraudulent lottery business.
WASHINGTON, Nov. 4.—The Post Office Department to-day decied the privileges of the
United States mails to the Safe Deposit Watch
Company of 0 Murray street, New York. The
company advertised as an inducement a gold
watch to be given away free upon receipt of
money for another article, but the "watch" sent
by it was a small the affair, one-half inch in
circumference, without works. use of the mails to Traube & Preuzlan, Henry

An Unknown Man Found Dead in the Woods. NORWICH, N. Y., Nov. 4. An unknown man about 70 years of age, and nearly six feet tall. with gray hair, beard, and moustache, was found dead at noon on Sunday in the woods near the road about six miles north of here. He was dressed in a double-breasted pea jacket and vest, brown striped trousers, black and white striped shirt, gray underwear, and heavy laced shoes. All his clothing was of good material, and in fair condition. Nothing was found on his person to reveal his identity. An empty morphine bettle and an empty pocketbook were found in his clothing, which was saaking wet. The body was brought here by the Coroner.

Michael d. Fenton in Debt for Rent. Michael J. Fenton, contractor at 1 Broadway onfessed judgment vesterday in favor of the Washington Building Company for \$784 due for rent of offices. He has been in local politics for several years past and was once a Labor

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1,100 PUBLIC PAY STATIONS.

Metallic Circuit Service from \$75 a year.

THE METROPOLITAN Telephone and Telegraph Co., 18 CORTLANDT ST.

JNO. C. CREVIER'S AFFAIRS.

THE AMOUNT OF INSURANCE ON HIS LIFE IS IN DOUBT.

His Suicide Attributed to Despondency Gree a Real Estate Deat Too Big for Him to Handle- His Private Safe Not Opened. Concerning the report that John C. Crevier. who committed suicide on Friday last at his real estate office in Hoboken, was insured for \$85,000, Frank Anderson, who has been a collector for Mr. Crevier, and was connected with the family by marriage, said yesterday at Mr crevier's house that he did not know the exact amount in which Mr. Crevier was insured, but that he was sure it was not so large a sum as \$85,000. Mr. Anderson and Mr. Crevier's bookkeeper and confidential man, William White said that so far no will had been found and no insurance policies, but that the decedent's private safe had not been opened. Its contents, they said, were known to no one except possibly Mrs. Crevier, who was not in condition to talk for publication.

Mr. White called at the Mutual Life Insurance Company's office in this city yesterday for blanks to show proof of death, and it was said in Hoboken that he also visited other insurance offices in Mrs. Crevier's behalf. It is understood that Mr. Crevier had two policies in the Mutual, one for \$29,000 and one for a smaller amount. Whether any of the policies are liable to annulment by reason of suicide will probably be a question for the courts. In Pennsylvania a case was tried recently in which it was laid down that if the insured, who had killed himself only that if the insured, who had killed himself only a few months after taking out a policy, ended his life during an attack of temporary insanity the clause making the policy void in the event of suicide should not stand, and the policy should be paid; but that if the suicide was sano at the time of the crime the clause should govern and the policy become void. The jury found that the insured was sane when he took his life and the plaintiff falled to recover under the policy, as it was held that the acts of the insured were committed evidently with intent to defraud.

were committed evidently with intent to defraud.

A business acquaintance of Mr. Crevier in the Mutual Life insurance Company said that he had no doubt that Mr. Crevier had killed himself in a fit of insanity, due to despondency over his inability to carry out some real estaic enterprises on which he had expected a large profit. He involved himself once before by outside speculations, said the insurance man, and said then that he would not go outside of Hoboken real estate deals again. But he undertook the improvement of some property on the outskirts of Hoboken which proved too big a job for him. He must have lost heart needlessly, though, for his integrity was never doubted, and if he had looked rationally at affairs he would have known that he could have come out all right eventually and fulfilled the duty he owed to his family."

Mr. White asserts that an insurance agent came into the Crevier office soon after the suicide was discovered and said that Mr. Crevier had taken out a policy in his company ayear ago in which there was a clause setting forth that the policy should be void if the holder committed suicide within a year from its issuance, but the agent said that the year had expired a month ago, and that the policy was all right. Mr. White said he did not know what company issued this particular policy.

JULIA GILBERT'S SUICIDE.

Coroner's Physician Shepperd made a postmortem examination last night on the body of Julia Gilbert, the Brooklyn girl who committed

suicide on Sunday afternoon. The examination was made at the residence, 67 Dean street. When Dr. Shepperd had completed his work he came out of the house and met Deputy Coroner Daniel Kelly, who was waiting on the sidewalk to hear the result. "I could find nothing that would give me the

slightest clue to the reasons that led the girl to commit suicide," said the doctor. Those who were best acquainted with the girl expected a report of this character. The police did not.

On Wednesday Julia had told her father and her sisters that she was going to a party at Bath Beach and intended to stay out all night. The party, Julia said, was to be given by one of the girls who worked in Loeser's dry goods store, where Julia herself had been employed. On Friday when Julia went home to lunch she told her sisters that the party had been postone total ner sisters that the party and been post-poned until Saturday night. On Saturdar the girl appeared to be in good spirits. She went to work as usual and went home to lunch at noon. On her way back to the store she met several girls, acquaintances, and chatted pleasantly with them. At that time she was in the best of

spirits.

A few hours later her sister Maggie received a postal card from Julia saying she would not be home to dinner at 6 o'clock, but would go to the residence of her married sister, Mrs. Beatrice Haggerty, who lives at 103 North Portland avenue. At 5 o'clock on Saturday night Julia left her place of employment. She did not go to Mrs. Haggerty's house. Nor does any of her friends know where she went. At naifpast 3 o'clock Sunday afternoon Julia staggered home, dying. gered home, dying.

The police of the Butler street station were told by some of the deckhands employed on an Atlantic Avenue Ferry boat that they had seen a girl answering Julia's description go over to Brooklyn on their boat shortly before it o'clock. They had watched her closely because they thought she looked as if she intended to jump into the river. That is all they have but theories.

Trott Says Vreeland Committed Spielde William H. Trott, engineer of an Erie railway drill engine which struck Cornelius Vreeland at the Provost street crossing in Jersey City Saturday night, inflicting injuries from which Vreeland died, declared yesterday that Vreeland committed suicide. Trott says that Vreeland, who was himself an engineer, was walking across the tracks with a friend, and deliberately threw himself in front of the engine. Vreeland lived in Rutherford, and had been married but a few months. Trott is unable to attribute any motive for the suicide, except that a business venture he had made with his brother proved unsuccessful.

Hanged Bimself in the Cant Rin Augustus Olsen, a Swede, aged 38 years, com mitted suicide on Sunday night by hanging himself from a rafter in the coal bin in the ceilar of his boarding house, 41 St. Marks ave-nue, Brooklyn. He had been out of work and despondent for some time.

BUDWEISER BOYCOTT OFF.

A Fight Which Had Lasted More Than Three Years Is Ended.

The boycott of the United Brewers' Association of New York, known as Local Assembly 8,390, K. of L., against the Budweiser Brewing Company of Brooklyn, which had lasted since early in 1893, was declared off yesterday, thus ending the long fight between the union and the brewery. The company agrees to recognize the union and to employ union men only. The nonunion men who were at work in the brower; onion men who were at work in the brewery joined the union on Sunday and were at work as union men yesterday.

The trouble began in January, 1893, when the Knights of Labor became so exacting in their demands that the company locked out thirty-six union men and refused to recognize the union. The boycott was then deciared. Frequent arrests on a charge of conspiracy were afterward made on account of the union picketing the saloons.

Impending Strikes of Electrical Workers At the meeting of the Board of Walking Delegates yesterday the delegate of the Electrical Workers' Union reported that his organizatio Workers' Union reported that his organization had decided that on and after Nov. 15 none of its members would be allowed to work with non-union men. The Board endorsed the resolution. As non-union men are employed by some of the contractors, the resolution, if carried out, will bring about a renewal of the electrical workers' strikes, followed by sympathetic atrikes.

Mosaic Workers Strike.

A strike of the mosaic workers and helpers in Traitell's shop was ordered yesterday because since the last general strike of the Hexagon La bor Club of Tile Lavers' Helpers the firm has refused to recognize the helpers' union. This is one of the largest shops of the kind in the city. The last general strike of the tile layers' helpers was for a new agreement.

Eighty-five Weeks of Unpaid Cigarmaking. Maximilian Zimmerman confessed judgment yesterday for \$527 in favor of Max Zimmerman for salary due for eighty-five weeks in making ciears.

Stay on Alleged Errors by Recorder Gog. Judge Beach in the Supreme Court has granted a certificate of reasonable doubt, acting as stay pending appeal, to Peter Garrahan, who was sentenced by Recorder Goff in July last in General Sessions to eight months in the peni-tentiary for obtaining money by false pretences. It was argued that the Recorder erred in his charge to the jury and in admitting certain evi-dence.

THE SPRING WATER HABIT antedates history. People won't risk their lives drinking water from rivers and ponds sure to be contaminated sooner

Londonderry Lithia Water

which comes out of the old "Granite Hills" more than half a mile from any habitation, is always pure. SPARKLING LONDONDERRY is the fashionable club and table water,

IT IS MORE: It is the standard lithia water, and is more highly endorsed as a remedy for Rheumatism. Gout, Gravel, and all Kidney troubles than any medicinal water in the world.

"CAUTION."-Sparkling Londonderry Lithia was the first sparkling lithia ever bottled. Its great popularity explains why every new spring is called a "lithia" spring.

NEW YORK OFFICE, 76 BROAD ST.

BANK BURST, DIRECTORS SUED. ltors and Other Creditors of the North

River Bank Seek Damages, A demurrer to the complaint in a suit brought by Edward Higgins, receiver of the North River Bank, on behalf of creditors for damages from Edward E. Gedney, former President of the bank, and all the former directors, among them William E. Tefft, was argued in the Special Term of the Supreme Court before Judge Paterson yesterday.

The complaint states that the President and the other officers and the directors of the bank were incompetent; that they issued untrue statements of the finances of the bank; that they made false statements that the capital of the bank was unimpaired; that they permitted the assets of the bank to be stolen and wasted; that they neglected their duties; that they did not keep correct accounts and permitted the accounts to be falsified; that they employed people whose dishonesty was well known to them; that they declared a dividend when there was no surplus: that they made loans to themselves and others of more than one-third the capital of the bank, and therefore unlawfully. and that they carried as collateral assets that were known to be of no value. "They did all those things?" said Judge Pat-

terson in surprise, when the list was read off by Lawyer Ellison.

Mr. Ellison and Joseph H. Choate appeared for Mr. Tefft, and demurred on the ground that there was improper joinder in that actions for penalties and negligence were joined. It appears, also, that some of the defendant directors were lighted to the control of the contr

pennities and negligence were joined. If appears, also, that some of the defendant directors were directors for only two and three months, while some were in for thirty years, and it was argued that the former could not be held for the nots of the latter, and also that some of the defendants were personal representatives of deceased directors, and there could be no action for penalties against them.

It was agreed between counsel that the matter hinged upon the question whether the action was one in equity or law, and Judge Patterson said that if it was an action at law the objections of Mr. Choate were unanswerable. Counsel for the receiver contended that it was an equitable action. The stockholders, depositors, and other creditors ask that the damages against the defendants directors be estimated and juagment be given for the amount found. Judge Patterson reserved his decision.

FARMER HARTPENCE DID IT. Disguised as a Detective He Uncarthed the

Stolen Primmer Ribbon. FLEMINGTON, N. J., Nov. 4.-One evening in June while the family of the Rev. Joshua Primmer of Sergeantsville, Hunterdon county, were absent, their house was entered and over \$100 in money, several gold rings, a number of valuable family heirlooms, watch chains, fancy ribbon, and nearly all their bed clothing were carried off. Suspicion fell upon the family of Mahlon Loux. On the day previous to the robbery Mrs. Primmer had shown some of the articles stolen to Loux's daughter Mabel, who was engaged as a servant. The day following the burglary a search warrant was issued and placed in the hands of Officer John Ramsey of Flemington. The constable thoroughly searched the dwelling, but failed to discover any trace of

the stolen goods.

Farmer Jonathan Hartpence, who has won a local reputation as a detective, then took hold of the case. A few days ago Hartpence saw the Loux children playing with a quantity of fancy ribbon, such as described by Mrs. Primmer. This morning Officer Clint Reading, Mr. Hartpence, Theodore Servis, and Mr. and Mrs. Primmer, armed with warrants, went to the Loux house for another search. This time they were successful, and a large quantity of the missing articles was recovered. The money and jewery were not found.

articles was recovered. The money and jewerry were not found.

Mr. and Mrs. Loux, their son John, and a grandchild were arrested and brought to Flendington. They were arraigned before Magistrate Kline, who committed Loux and John to Jail in default of bail for the Grand Jury. Mrs. Loux and the child were discharged.

IS KOCH STILL A JUSTICE?

He Issues a Warrant and the Arrested Man Sucs Him to Test It. In order to get his title to the office of Police Justice tried' in another fashion, ex-Justice Koch issued a warrant two weeks ago to William Johnson for the arrest of William T Stenson on a charge of assault and battery Stenson was arrested and detained, and he

Stenson was arrested and detained, and he then brought an action against Koch for false imprisonment and arrest, averring that Koch could not issue the warrant, as he had been removed from office.

Koch, through his attorney, ex-Judge Dittenhoefer, set forth in his answer that he was appointed to the office for ten years, and had been illegally removed, and that he was still a Justice, and that as his term had not expired he could issue a warrant.

Stenson's attorney demurred to this answer, stating that it did not constitute a defeate and that the constitutionality of the removal law had already been affirmed by Judges Stover and O'Brien, in the Supreme Court. Judge Patterson then sustained the demurrer, and an appeal will be taken to the General Term. Noah Davis and ex-Gov, Hoadly are Koch's counsel.

Deputy Sheriff Henning yesterday received an execution for \$626 against Morgan Bros., wholesale dealers in oysters at the foot of Tenth street, North River, in favor of Heavlon Rowland, to whom the firm confessed judgment for merchandise. The partners are William F. and Obediah Morgan. A week ago they gave a bill of sale on an oyster boat to J. J. Hausman for

\$3.675.
Gerson & Jacobs, manufacturers of trousers at 16 and 18 West Third street, have closed up and the stock has been removed under a bill of sale to the H. B. Claffin Company. Liabilities reported to be about \$5.000.

Lucien S. Hayliss has been appointed receiver in supplementary proceedings for Joseph Moore, a well-known city routractor of 170 East Eighty-ninth street, on the application of Frederick M. Crossett.

He Was Masked and His Work Was that

Miss Kathryn Potts, who lives with her mother, Mrs. Helena Potts, at 7 Astor place, near Summit avenue, Jersey City, was thrown into a hysterical condition about 2 A. M. Sun day by being suddenly confronted in her room by a masked burglar. Miss Potts had been ill for several days, and her mother elept in the same room to be on hand if her services were needed during the night. Mrs. Potts thinks it was about 2 o'clock when she was awakened by succession of violent shricks. She saw her daughter standing in the middle of the floor trembling and shricking that there was a man in the house. Mrs. Potts thought at first that Kathryn had had a nightmare, but her other daughter, Eva, rushed into the room, agitated and trembling, and said that she also had seen a man. The three women screamed in concert. and in a few minutes the neighborhood was aroused. Jonas F. Hare, Mrs. Potts's brother, and some of the neighbors searched the house They found ample evidence of the burglar's visit, but failed to find the burglar. Miss

visit, but failed to find the burglar. Miss Kathryn said she thought he had scaled the rear fence and made his way to Sammit avenue through Mr. C. H. Hensen's property.

It was found that the burglar had effected an entrance to the rear basement through a window. The fact that he did not use burglars tools convinces the police that he was an amateur. Finding the bissement door leading up stairs bolted, he heated two pokers in the diningroom heater and burned holes in the door until he was able to reach through and push the bolts back. Then he went up stairs and apparently went through the rooms at his leisure. The Misses l'ous both say that they heard somebody walking about the rooms for some time before they saw the burglar. The burglar secured a gold watch and \$5 in cash in Mr. Hare's room and \$2 in Mrs. Potts's mother's room. Miss Kathryn was suffering from nervous prostration all of Sunday and yesterday, but last night her physician said that she was rapidly returning to her normal condition.

LAWYER MORANGE KILLED He Falls Down the Elevator Shaft in the Argus Building in Albany,

ALBANY, Nov. 4,-William D. Morange, Albany's lawyer-poet, met with a fatal accident in the Argus building this forenoon, where he had been examining some old files. On turning to leave the editorial rooms on the third floor, he mistook the door opening to the freight elevator shaft for that leading to the stairway and pitched down the shaft to the cellar, a distance of forty feet. He was taken to the City Hos pital, where he died early this afternoon Mr. Morange was born in Albany sixty-five years ago. He was a graduate of the Albany Academy and St. John's College. Fordham. He studied law and was admitted to practice, but enjoyed writing verses more than legal briefs. As a writer of prose and verse he had quite a local reputation, and his poem. "The Plagne." written after the cholera epidemic, has been reprinted in several foreign languages. He was Deputy County Clerk in 1853-55 and again in 1802-65. He was unmarried, and is survived by two brothers and two sisters. Mr. Morange was the fourth victim of the Argue elevator shaft and the second to receive fatal injuries. The door leading to the elevator from the editorial rooms is marked, but its proximity to the leading staircase causes the mistake. Mr. Morange was born in Albany sixty

VITUPERATION IN A CHURCH. A Few of the Epithets Which a Pastor Is

Boston, Nov. 4 .- A vigorous but unavailing effort was made in the Uni ed States District Court before Judge Nelson to-day to have the indictment quashed against the Rev. Frank Hyatt Smith, pastor of the North Avenue Congregational Church, who is accused of having sent scurrilous postal cards through the mails Mr. Smith pleaded not guilty, and the trial was

Mr. Smith pleaded not guilty, and the trial was postponed.

Some of the cards are biasphemous and unfit for publication, but the majority are merely senseless and incoherent. One man, not a member of Dr. Smith's church, is called a "Judas who betrayed his leader," "I'll shoot you on sight" is the threat with which it concludes. Other epithets used in the cards are "low-bred quarrel breeder," "church wrecker," "peace disturber," "hypocrite deacon," "religious fake," pious frand, "mountebank," whining liar," "dissembling Iago," vote buyer," veneered deacon, "peanut politician," "pradential thief," "repair fund embezzier," "fire and smoke," and "St, John's fool,"

A Property Owner's Complaint Against Telephone Company.

Chancellor McGill heard argument in Jersey City yesterday on an application made by John Heath of Newark for an order to compel the New Jersey and New York Telephone Company to remove four telegraph poles, which had been put up in front of his property without his con-sent and against his protest. The city has made a contract with the company for the establishment of a police telephone and signal system, and the claim is set up that the city authorities have the right to authorize the erection of poles on any public thoroughfare without regard to the wishes of abutting property owners. This was denied by Mr. Heath's lawyer, and it was also alleged that the company is atringing wires on the poles for its private use. Chancellor McGilli withheld decision on the merits of the question of the city's right to put up poles without the consent of the property owner, and refused to order the poles removed. He added, however, that if the company strung wires to be used for any other than city purposes it would do so at its peril. put up in front of his property without his con-

To Buffalo on a Charge of Murder. John Quirk, who was arrested in Williamsburgh on Sunday for participation in the murder of Capt. Phillips and his son at Tonawanda was arraigned in the Lee Avenue Police Cour-yesterday and turned over to Detective O'Laugh-ran of Buffalo, who took the fugitive back to that city. Quirk is the twenty-fourth man un der arrest in connection with the case.

Quaker Wisdom

"Things sweet to taste prove in digestion sour."-Avoid all such and eat wholesome, delicious Quaker Oats. The perfection of breakfast cereals.



Sold only in 2-lb. Packages.

SIDE BY SIDE FOR FIFTY YEARS. The Rev. Lymns Cobb and His Wife Cole-

erate Their Golden Wedding YORRERS, Nov. 4.-The Rev. Lyman Cobb, Jr., and wife celebrated their golden wedding this evening, and the Rev. Dr. A. G. Vermilyea, who married them, was present to congratulate them. Mr. Cobb was born in Caroline, N. Y., in 1826. He passed his boyhood days in New York, and in 1850 removed to Yonkers to make his permanent home. He was elected village clerk, position which he held for seven years. Then for sixteen years he was a Justice of the Peace. He was elected trustee and Secretary of the Yonkers Savings Bank, holding the offices three years. He resigned to accept the office of cashler, and has continued in that position to the

ler, and has continued in that position to the present lime.

In 1869 he was ordained a deacon in the Protestant Episcopal Church, and established a mission school. He was connected with the City Hospital as chaplain for years, and was President of the Young Men's Christian Association. The mission church established by Mr. Cobb is now the prosperous Christ Protestant Episcopal Church in Nepperhan avenue.

Mr. Cobb married Miss Cornella Drake of Little Falls, Herkimer county, Nov. 4, 1843, They had in all nine children, but five died in Infancy.

They had in all nine children, but five died in infancy.

The golden wedding celebration of Mr. and Mrs. Cobb was held at the Arlington Inn, for which a large number of invitations were issued. There was a large gathering of their friends to offer their congratulations, and the venerable couple were the recipients of many valuable and magnificent presents in gold, as typical of the day and its celebration. St. John's Episcopal Church and St. John's Riverside Hospital remembered Mr. and Mrs. Cobb with suitable gifts.

JOHN A. BARNES INDICTED.

Charged with Taking 87,000 Worth Stock from Magowan's Desk. TRENTON, Nov. 4.- The Mercer county Grand Jury has found an indictment against John Albert Barnes, who recently figured in the Magowan case. He is charged with having broken open Magowan's desk at the office of the Eastern Rubber Company and abstracted there-from \$7,000 worth of the company's stock. The Grand Jury ignored the complaint of Magowar that Barnes had assaulted and threatened to shoot him. Barnes is now living in Cleveland out he has promised to come to Trenton on Thursday to plead to the indictment. He contends that the stock was given to him by Magowan in pursuance of a compact made when ocentered Magowan's employment, and a sethe entered Magowan's employment, and a settlement for the stock was a factor in the recent differences between the two.

On Thursday, in the Supreme Court, Edwin Robert Walker, Magowan's counsel, will more for the discharge of Magowan's bondsmen in the suit begun by Barnes for \$100,000 damages for the alienation of the affections of Mrs. Barnes by Magowan, The counsel contends that since the only basis of the suit is the affidavit made by Barnes, it must fall, since the New Jersey statutes provide that a husband is not competent to testify against his wife in such cases. Magowan is under \$25,000 bail in the Barnes suit.

ONE WIFE ENOUGH.

The Anti-Polygamy Act in Force in th

WASHINGTON, Nov. 4.- The Edmunds-Tucker Anti-Polygamy act, as amended by the act of 1887, is in force in the District of Columbia, and persons guilty of adultery as defined therein are subject to its penalties for that offence. So the District Court of Appeals decided to-day. in an opinion read by Chief Justice Alvy on a case growing out of the crusade begun last spring by the District officials against violators of the law. Two of the offenders ar pealed from the judgment of conviction in the Criminal Court, alleging that the law was not Criminal Court, alleging that the law was not in force in the District of Columbia. In the opinion the Courtsays that the list five sections and the tenth section of the act are applicable to the District. These include all the vital once, which make an unmarried man living with a married woman guilty of adultery as well as she, and make a husband or wife a competent witness argainst the other to prove the fact of marriage.

American Deep Waterways Commission. WASHINGTON, Nov. 4.-Under authority of the act of Congress providing for a joint Canadian and United States Commission to inquire into and report on the feasibility of establishing deep waterways between the great lakes and the Atlantic Ocean, the President to-day appointed James B. Angell of Michigan, John E. Russel

James B. Angell of Michigan, John E. Russell of Massachusetts, and Lyman G. Cooley of Illinois, as American Commissioners.

Prof. Angell is President of the University of Michigan, and was one of the American representatives on the Canadian Fisheries Commission. Mr. Russell is the well-known Massachusetts Democratic politician and lawyer. Mr. Cooley is a prominent Chicago capitalist, who has civen much attention to the transportation on the great lakes.

To Extend the Classified Service.

WASHINGTON, Nov. 4 .- As a result of a conference between the Secretary of the Interior and the Civil Service Comm ments are being perfected to send to the Presi dent for his approval an amendment to the dent for his approval an amendment to the civil service rules, placing under the classified service the assistant attorneys of the Secretary's office and the assistant attorneys in the General Land Office of the Interior Department. There are about seventeen of the former, whose salaries range from \$2,000 to \$2,750 per annum. The salaries of the latter class are about \$2,200 a year. Experienced attorneys are required for these positions. Such clerks in the Indian Bureau as are not now under the protection of civil service rules will be included in the amendment.

Appointments by the President. WASHINGTON, Nov. 4.- The President to-day appointed Patrick H. Kirwan of Olivia, Minn. Surveyor-General of Minnesota, vice James Compton of St. Paul, removed; Claude N. Bennett of Atlanta, Ga., a special agent to make allotment of lands in severalty to the Indians; Kirtland W. Perry, to be First Lieutenant in the revenue cutter service.

\$27 for the Conscience Fund.

WASHINGTON, Nov. 4. - An envelope, post marked Baltimore, containing \$27, was received at the Treasury Department this morning and placed to the credit of the conscience fund. The money was enclosed simply in a sbeet of white paper, without any indication whether the sender was a "reformer" or a "straight-out."

The Hoboken Freight Trolley Franchise to Be Reviewed.

Justice Lippincott, in the Circuit Court in ersey City yesterday, granted the writ of certiorari asked for, which removes to the Supreme Court for review the ordinance passed by the Hoboken Common Council last week granting a franchise for a trolley freight line along the water front and up through fludeon street to Weehawken. Ex-indge Garretson asked the Court to grant the writ without a stay, so that the construction of the road might not be delayed. Ex-Judge Abel I. Smith, who appeared for the relators, objected saying that without the stay the writ might just as well not be granted. The writ might just as well not be the stay the writ might just as well not be granted. The writ was made returnable Nov. 11.

A New Trial in the Daly-Brady Suit. In the United States Circuit Court yesterday Judge Shipman granted a new trial in the case

of Augustin Daty against William A. Brady, which action was begun on Aug. 23, 1893, to rewhich action was begin on Aug. 23, 1893, to re-cover \$13,700 damages for an alleged infringe-ment of copyright. It was claimed by Mr. Daly that a play produced by Brady under the title of "After Bark" had been copied from "Under the Gas Light," a play written and copyrighted by Daly. After the first trial certain testimony which had been admitted conditionally was ruled out. As judgment had not been entered both parties will be allowed to introduce new testimony.

Blue Blouses and Brass Buttons at Na tional Guard Headquarters.

Athany, Nov. 4. Gen. E. A. McAlpin is so well pleased with the appearance of his office messenger, Wolters, in the uniform of a National Guardsman that he has now directed that all the attaches of the department, from the asaistant Adjutant-General down, don a blue blouse and brass buttons to lend an air of mili-tarism to "bradquarters." The only persons in the office to escape the effect thus far are Major Burbank, the regular army officer attached to headquarters by order of the War Department, and the female typewriter.

Got Drunk and Shot Another Small Boy. NEW ORLEANS, Nov. 4. Joseph Hinyup, a fourteen-year-old boy living at McDonoughville, opposite New Orizens, found a quart bottle of whiskey in his father's room yesterday and drank most of it. He became violently drunk thaving armed himself with a gun, he marched down Madison avenue. He saw John Walters, a small boy, massing on the other side of the arrest, and called out that he was going to shoot. Walters started to run, but was shot in the right breast just over the heart. He died in a few minutes.

Ten Sweet Caporal Little Cigars for 5 cts.

SOLD BY ALL DEALERS.

A FIELD FOR MISSIONARY WORK

Life in Squatters' Land, in the Mountainous Regions of Sullivan County.

PORT JERVIS, Nov. 4.- The investigation into the recent mysterious disappearance of the wife of Milton Ward from her rude home near Livingston Manor, N. Y., who, it was alleged by her husband, had eloped with her cousin, Rfley Carl, notorious outlaw and terror of that region, but later developments, led to the belief that she has been murdered, has brought to light some strange glimpses of life in that part of Sullivan county known as the town of Rockland. In some of the wild mountainous regions of this town is a class of squatters, whose moral condition is worse than that of the heathen. They

tion is worse than that of the heathen. They live in the rude huts vacated by lumbermen, live lives of crime and licentiousness, and rear large families to follow in their footsteps.

Some of these squatters manufacture wooden scoops. Two men traded wives, one of them giving half a dozen scoops to boot. In another instance a sheep was given for the difference in value of the woman. The sheep was stolen from a farmer, who reclaimed his property, and the thief unsuccessfully insisted on his wife being returned to him. A physician was called to attend a slek woman. The husband shook his fist in his wife's face and with an oath shouted, "If you don't die soon l'il kill you." He then piled shavings on the kitchen stove, set them on fire, and said he would burn down the shanty. These isolated regions have been the scene of numerous crimes, and a stranger is never safe in Squatters' land after dark.

MAY'S 6 WIVES AND 21 CHILDREN. Some Things in His Varied Domestic Life Revealed by a Will Contest,

PROVIDENCE, R. I., Nov. 4.-Thomas May of East Greenwich had twenty-one children and six wives, all of whom lived at different times in his one house. He is dead, and his sixth wife wants his estate for the support of herself and the youngest four children. Isaac Wadleigh, May's executor and son-in-law, objects to this, as the will made by May gave the property to the children of a favorite wife, who died some

the children of a favorite wife, who died some years ago.

When the last Mrs. May and her four children contested the will in Kent county the Probate Judge set the will aside. Then the case went to the Common Pleas and a jury, and the verdict was affirmed. The case was transferred to this county and to-day it was before the Supreme Court on appeal. The domestic affairs of May were revealed in detail. It was shown that May was about 65 when he died and that he married young on an elopement. His wife dying, he married a woman from whom he was divorced. Another wife died and another was divorced, Then one other died, and the sixth according to letters which were introduced into court to-day, was distrusted. One letter concerning the widow and his will contained this explanation for disinheriting her; "If she had been faithful and true, she would have been better off. When she reads this I will be before my Maker."

DIPTHERIA IN TRENTON.

Authorities Alarmed by the Increase Over the October Rate. TRENTON, Nov. 4.-The Health authorities are considerably disturbed over an outbreak of diptheria in the heart of the city. During the four days of this month twenty-one cases have been reported, and there were four deaths from the desease yesterday. Last month there were

forty-eight cases ren ed and the enid forty-eight cases reported, and the epidemic had become so alarming that the Board of Health decided to build an isolation hospital to care for patients. The hospital is not yet completed.

The Health officers believe the epidemic is due to the lack of proper facilities for disposing of garbage, and to the recent drouth which lowered all neighboring streams and left decaying vegetation exposed. 150 New York Chinamen Start for Home. One hundred and fifty Chipese departed for

China last evening after stirring things up all the afternoon in Mott street so that the strife between the Soo Yup and the Sam Yup Merchants' Associations was temporarily forgotten. chants Associations was temporarily forgotten. This is the largest party that has returned since last January. A feature of the farewell feativities was a dinner at the new Mon Lay Won restaurant at 24 Pell street, where the homeward bound were entertained by their friends. The Chinese thronged the Grand Central station in the early evening. The route is by the Canadian Pacific to Vancouver and thence by steamer to Hong Keng, the trip requiring about thirty days.

Gen. Harrison Draws a Crowd to Court. CHICAGO, Nov. 4.—Ex-President Harrison ap-peared in the United States Court of Appeals this morning as counsel for the Standard Eleva-tor Company. The court room, usually devoid of an audience in cases of merely technical interest, was packed with persons anxious to catch a glimpse of the famous Indianian. Those who could not get in stood on chairs outside the doors and listened eagerly to Mr. Harrison as he read affidavits accusing the Crane Elevator Company of purloining a model belonging to his clients. The hearing of the case probably will consume two days.

Fifteen Burt in a Trolley Accident,

DAYTON, O., Nov. 4.-Edward Jeffreys was driving a party of sixteen yesterday to Calvary Cemetery, where an All Souls' day celebration was in progress. As they crossed the electric was in progress. As they crossed the electric railway track one of the horses received a shock and stopped. During the delay an electric car came upon them. It crashed into the rear end of the wagon. Jacob Kiser had four ribs broken and his chest crushed and will die. Mrs. Kiser had her hip dislocated. Kate Maribaum had an ankle broken. Her sister, May, was found unhurt under the car. The others were hurt seriously, but not dangerously.

McMahon Dies of His Wounds,

Francis McMahon, the young man who was stabbed in the back a week ago Sunday night while trying to get into the saloon of Joseph while trying to get into the saloon of Joseph Blanco at 8 Battery place, died yesterday morning at his boarding house at 21 West street.

Blanco and his servant. Maria Byrnes, whom the dead man accused in his anti-mortem statement, were arraigned before Magistrate Simms in the Tombs Police Court yesterday and held to await the action of the tirand Jury. Oasimiro Arketa, Marco Eloriros, and Juan Conpello, three Spanish sailors who board at 3 Washington street, were held as witnesses.

Sues Erie for \$75,000 Personal Dumages. William H. Dieffenbach, a travelling salesman, has sued the Eric Railway Company to recover \$75,000 damages for injuries that he says he received in a wreck on the road in May, 1893, while he was travelling from Bingbamton to New York. The road admits that there was an accident in which the plaintiff was injured, but states that it was not caused by the road's newligence. negligence.

Fiery Martina Would Not Brook Hivalry. Martina Boter, an Italian of 28 Hudson avenue, Union Hill, was arrested early yesterday norning accused of threatening to snoot Rosa Deriez of Union place. Bater was inlove with Rosa, but she favored another suitor. On Sun-day Boter learned that Rosa was about to well his rival. He visited her home, and, it is alleged, troke in through one of the windows of the house and threatened to shoot her.

RELIABLE

1,000 per cent, over last year is the import of shiddy to be mixed with wool, but COWPERTHWAITS RELIABLE CARPETS, of West 14th st., are all pure wool, so will stand long wear.